THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION NO.6563 OF 1999

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Dated: 27th March, 2006.

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Between ;

1. A.P. State Road Transport Corporation, rep. By
   Its Managing Director, Mushirabad, Hyderabad,
   And another. … Petitioners

And

1. State Transport Appellate Tribunal, A.P., Hyderabad,
   Rep. By its Presiding Officer, and 2 others. … Respondents

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6563 OF 1999

ORDER :

The 3rd respondent herein made an application for Stage Carriage Permit as

mofussil service from Sompeta Bus-stand to Patrakonda via Lakkavaram Junction, Lakkavaram N.H. Road, Korlam, Palavalasa and Palem. The said application was rejected by the Regional Transport Authority, Srikakulam by order dated 26-5-1998. Aggrieved by the same, the 3rd respondent preferred an appeal being A.P.No.426 of 1998 before the State Transport Appellate Tribunal, A.P., Hyderabad. The Tribunal, by order dated 26-5-1998 directed the Secretary, Regional Transport Authority, to issue Stage Carriage Permit as mofussil service as prayed for. Questioning the said order, The A.P. State Transport Corporation filed the present writ petition.

It is to be noted that the Tribunal below while allowing the appeal relied upon a decision of this Court in APSRTC vs. D.CH.SATYANARAYANA RAJU in which it was held that in the absence of total exclusion under the scheme, it cannot be said that no operator can be permitted to ply even on a part of a route and therefore the approved scheme does not amount to total prohibition for the grant of permit on the route which overlaps partially the route notified under the scheme.

The learned Standing Counsel, Sri K. Srinivasa Rao, appearing for the Corporation at the outset points out that the said decision of the learned Single Judge in D.CH. SATYANARAYANA RAJU'S case (1 supra) was subsequently not accepted by a Full Bench of this Court in APSRTC vs. STATE TRANSPORT APPELLADTE TRIBUNAL, A.P., HYDERABAD AND OTHERS wherein it was held that new permits cannot be granted in relation to a part of a route which would be overlapping the existing routes. In view of the decision of the Full Bench, the order in the Appeal is unsustainable.

Accordingly, following the law laid down by Full Bench of this Court, the impugned order is set aside and the Writ Petition is allowed. No costs.

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G. ROHINI, J.

Dt. 27-03-2006.

GBS